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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13
14 v.
15 ERIK D. MENDOZA-CONTRERAS,
Defendant.

CASE NO. 1:22-CR-00074-JLT-SKO

STIPULATION VACATING CHANGE OF PLEA
HEARING AND SETTING TRIAL; FINDINGS
AND ORDER

DATE: January 8, 2024

TIME: 9:00 a.m.

COURT: Hon. Jennifer J. Thurston

16
17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
19 through their counsel, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for a change of plea on January 8, 2024.
- 21 2. By this stipulation, defendant now moves to vacate the change of plea hearing and set the
22 matter for trial on July 9, 2024, and to exclude time between January 8, 2024, and July 9, 2024, under 18
23 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).
- 24 3. The parties agree and stipulate, and request that the Court find the following:
 - 25 a) The government has represented that the discovery associated with this case
26 includes investigative reports and related documents in electronic form, videos, photographs, and
27 digital evidence. The government provided initial discovery and supplemental discovery.
 - 28 b) Counsel for defendant desires additional time to review discovery, consult with
his client, prepare for trial, and conduct additional plea negotiations.

1 c) Counsel for defendant believes that failure to grant the above-requested
2 continuance would deny him the reasonable time necessary for effective preparation, taking into
3 account the exercise of due diligence.

4 d) The government does not object to the continuance.

5 e) Based on the above-stated findings, the ends of justice served by continuing the
6 case as requested outweigh the interest of the public and the defendants in a trial within the
7 original date prescribed by the Speedy Trial Act.

8 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
9 et seq., within which trial must commence, the time period of January 8, 2024 to July 9, 2024,
10 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and (iv) because it
11 results from a continuance granted by the Court at defendant's request on the basis of the Court's
12 finding that the ends of justice served by taking such action outweigh the best interest of the
13 public and the defendants in a speedy trial.

14 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
15 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
16 must commence.

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19 IT IS SO STIPULATED.

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21 Dated: January 4, 2024

PHILLIP A. TALBERT
United States Attorney

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24 /s/ Antonio J. Pataca
ANTONIO J. PATACA
Assistant United States Attorney

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26 Dated: January 4, 2024

27 /s/ Nicholas Reyes
NICHOLAS REYES
Counsel for Defendant
Erik D. Mendoza-Contreras

FINDINGS AND ORDER

IT IS SO FOUND.

IT IS SO ORDERED.

Dated: **January 8, 2024**


UNITED STATES DISTRICT JUDGE